

*Next Meeting – June 18, 2007 – 1:30 PM
Appoquinimink State Service Center, Middletown*

**STATE COUNCIL FOR PERSONS WITH DISABILITIES
FULL COUNCIL MEETING MINUTES**

May 21, 2007 – 1:30 PM
DE Public Archives
Dover, Delaware

MEMBERS PRESENT

Daniese McMullin-Powell, Chair; Rita Landgraf, Vice Chair; Brian Bard, Consumer; Tom Barlow, Easter Seals; Ray Brouillette, Easter Seals; Adam Fisher, DOE; John Goodier, BIC; Tony Hortsman, Parent; Connie Hughes, DelARF; Christine Long, DDDS/DHSS; Pat Maichle, DDC; Rita Marocco, NAMI-DE; Bob Osgood, Past Chair; Dennis Rubino, DHSS/DPH; Loretta Sarro, DODHH&CODHHE; Liz Schantz, Consumer; Sandy Tuttle, Easter Seals; Jamie Wolfe, Consumer; Luther Wynder, DTC; Kyle Hodges, Staff and Linda Bates, Support Staff

MEMBERS ABSENT

Cookie Austin, Parent; Regina Byers, GCAAPD; Norwood Coleman, Sr., Consumer; Susan Cycyk, CMH/DSCYF; Lisa Furber, State Rehabilitation Council; Brian Hartman, DLP/DDC; Janet Leitch, Consumer; Dan Muterspaw, AAB; Carolanne O'Brien, DOL/DVR; Ann Phillips, Parent; and Wendy Strauss, GACEC

GUESTS

Guy Perrotti, DHSS/DSAAPD Director
Lisa Bond, DHSS/DSAAPD
Victor Orija, DHSS/DSAAPD
Joe Keyes, DHSS/DDDS
Robert George, Citizens Corps/DEMA
Marny McLee, Citizens Corps/DEMA
Brian Posey, AARP

INTERPRETER

Lois Steele

CALL TO ORDER

Daniese McMullin-Powell called the meeting to order at 1:35 pm.

ADDITIONS TO THE AGENDA

- Kyle added the Money Follows the Person grant to the agenda.

APPROVAL OF MINUTES

Rita Langraf noted that on page 8, the third bullet, the correct hearing date should be “May 24” at Sussex County Delaware Tech from 5:45 to 8:00 pm.

Motion was made, seconded and approved to accept the April 16, 2007 meeting minutes as amended.

DSAAPD Organizational Changes/Issues of Mutual Interest – Guy Perrotti

Kyle introduced Guy Perrotti the Director of DSAAPD. Prior to the meeting, Kyle provided Guy with a list of issues that SCPD would like addressed. Guy introduced Lisa Bond and Victor Oriji who will assist with the discussion. Guy provided the following information.

Acquired Brain Injury Waiver (ABI)—Both DSAAPD and DMMA are applying for the stand-alone ABI waiver. The CMS deadline for getting this waiver approved is December 1. Secretary Meconi said that the top priority for Guy is the ABI waiver. After much discussion with staff and the consultant, Scott Ponaman, the best way to get this waiver approved is to go through an independent waiver as opposed to amending the Assisted Living Waiver (AL) or Elderly and Disabled Waiver (E&D). CMS favors waivers with stand-alone services since there is no confusion of trying to hide one waiver inside of another waiver. This is the best way to get the services as quickly as possible. DSAAPD will have independent contractual case management services for their clients who are in the ABI waiver. Guy noted that amending existing waivers opens them up to scrutiny. Guy said that we want to provide a full array of services and not a stripped down version of services. Due to the limited budget, services will be provided to 50 participants in the first seven months (12/1/07 to 6/30/08). DSAAPD’s goal will be to grow the program in coming years so that it will take care of more than 50 people, which will depend on the fiscal resources. Guy and Secretary Meconi want to end the delay and get a viable program up and running. Some participants may be transferred from the AL waiver to the E&D waiver. Guy said that the entire work group is meeting at least once a week, which consists of DMMA, IRM, DSAAPD, and other individuals, as needed. Lisa Bond is the DSSAPD point person as the planning supervisor who is doing an excellent job understanding this is a top priority.

Pat Maichle asked, in this particular waiver, if you add people on in the years to come, do you have to amend the waiver; or are you going to word it that the State has the ability to add on as they see fit? Lisa said that the waiver will account for five years. Then, if you decided to add people after that period, you would be amending the waiver. Pat asked if you are going to re-write the waiver or are you going to use the work that has been done previously. Guy added that some of the research will be used; but otherwise, it is a brand

new version of the waiver application. Also, Guy said that they would like to submit sections of this waiver to CMS as they complete the draft. This way CMS could be reviewing things as they work on other things and get back to DSAAPD with feedback. September 1st is the deadline for submitting the entire package. Harry Hill, Guy and Lisa will be talking to CMS this week with that proposal hoping that they are amenable to this procedure.

Kyle added that there were changes in the CMS staff who have reported that the best strategy is to submit a stand-alone waiver as opposed to amending the AL and E&D waivers which had been proposed previously. Guy added that CMS now has given the impression that the stand-alone waiver is the way to go. Guy said that the Division will be able to duplicate existing services in the AL & E&D waiver within the ABI waiver, which will be at different levels for ABI clients. If the program is approved by CMS, no one in the existing waivers should have to give up anything. Pat said that previously, the opportunity to submit public comments was required before submitting an application and this was a strong suggestion by CMS. Lisa said a draft will go to Medicaid and it will be published for comment at the end of this month. Rita L. asked about the number of clients over the five-year period. Guy said that they will work up rosters with DMMA around costs in the services that they are utilizing now so we should have a good idea as to how this can grow in the future. The program will serve 50 people in the first 7 months. The State match for seven months (Dec. 1, 2007 – June 30, 2008) is \$700,000 so the total budget (federal and state) is 1.4 million.

Kyle said that the eligibility criteria for a person to be eligible for the waiver was if the injury occurred after the age of 18; however, the Council was encouraging DSAAPD to include individuals who were injured prior to their 18th birthday, but could only get services when they reached the age of 18. This is consistent with other eligibility criteria for DSAAPD services. It was reported that the Division is still considering this.

Jamie asked if the individuals in the AL and E&D waiver will have to change service providers in the ABI waiver. Guy said that would depend on which services are being utilized in the ABI waiver and which providers want to become an ABI provider. If the person wants to stay in the current waiver, that is possible.

Budget—Guy said as far as the budget is concerned, Guy has heard nothing different than the additional \$400,000 in the Governor's Recommended Budget for attendant services. Guy spoke with the contractor, Easter Seals, and he needs to get about 25 names on the waiting list to Easter Seals so they can begin training for attendant services and get them on board in January. Also in the budget are eight new positions—contract management, nurse consultant, registered nurse, administrator for the Milford office and also case managers. Also, \$150,000 from the OMB development fund to begin a new automated computer system (TAP). The current system is very outdated.

Paying Relatives for Attendant Services—Guy said staff has put together some ideas and will meet with him soon. The staff will present information that may go towards finalizing a decision. Guy will have more information at a subsequent meeting. If Easter

Seals hires their own attendants, that will free up the existing DSAAPD's attendants to work with those on the waiting list. Brian added that www.pascenter.org in California have done a survey for people who have used these services. Kyle added, as background that Brian Bard, Brian Hartman and he had met with some previous DSAAPD staff last summer and then we had a briefing in March that information was being gathered from other states. Kyle mentioned that a survey was to be sent out to the people on the waiting list to get a feel of who would use this type of program. Brian recommended that no relatives be excluded. Jamie encouraged the Division to provide services for people over 65 years old. Guy will look into this too.

Money Follows the Person – Lisa reported that this is a grant that DDDS, DSAAPD and DMMA are all addressing. The grant was awarded to DE in the second round. DSAAPD's involvement is to move people out of institutions to community living. The first year state match is \$352,000 for the planning phase through FY '08. Pat added that this includes three six month additional staff for DSAAPD and four staff for DMMA to begin in July—providing the state match is received. Guy added that he will be meeting with Harry Hill, Director of DMMA. Pat added that Victor has been a very big support from the very beginning for MFP.

Community Ombudsman – Kyle noted that there is an Ombudsman program in DE for long term care in institutions; however, there is no such program for people receiving services in the community. Kyle said that it is logical to have that type of position for community based programs. Jamie added that there are nine states that have such an Ombudsman for community based services. Some are cross disability and some are legislated and some are not. Right now the hours to call someone for assistance from DSAAPD are Monday through Friday from 8 am to 4:30 pm; and on Saturday, call the police. DDDS has people 24/7 with a beeper for persons to call to say that they are having trouble and they need help. DSAAPD does not have this service. Rita added that it will be helpful if they could find out about the in-kind match. Lisa will research.

Kyle added that at our last meeting, Council discussed that SCPD is the Advisory Council for the HB 30 program. The Council is looking to have more input with any changes to the program prior to implementation. We need to finalize how this may occur. Jamie has lead a group to establish regulations for the program and Lisa Scheiffert is the contact person. Lisa Bond noted that DSAAPD and DDDS had met with Lisa Schieffert and had Jamie's latest draft. However, at this point, Lisa Bond has not heard back from Lisa Schieffert. Jamie was to be included in a work group with DSAAPD and DDDS—as soon as she hears something, she will let the Council know.

Citizens Corp. Disaster Preparedness—Robert (Bob) George; Marny McLee

The Citizens Corp. Disaster provides a free course on Public education, training and volunteer opportunities to support homeland security, community preparedness and family safety. A power point presentation was given on emergency preparedness for people with disabilities, etc.

The Citizens Corp. Disaster Preparedness provides the following:

- Helping to train people for disaster preparedness
- Helping towns with disaster preparedness grants and training
- Providing education, training and volunteer services
- Tailored a citizen's awareness program for Delaware
- Running a neighborhood watch from Wilmington to Selbyville

Robert George, Citizens Corps/DEMA and Marny McLee, Citizens Corps/DEMA provided a book called "It's a Disaster!" and a pamphlet on Emergency Preparedness for Individuals with Special Needs". Bob and Marny will come out and give the free course to any one in schools, churches, etc. and on weekdays or nights and Saturday's. Marny stressed that everyone should have an emergency supplies kit (and you may personalize the kit to your needs)—which could include a supply of water; non-perishable packaged or canned food; change of clothing; blankets or sleeping bags; first aid kit and prescription medications; battery-powered radio, flashlight and extra batteries; credit cards and cash; list of important family information and medical information; and special items for infants elderly or family members with disabilities. These supplies should be stored in an easy-to-carry container such as a backpack or duffle bag. Also, every household, school, business should have an emergency evaluation plan in place. As a supplement to the course, Bob said they are developing a "film" to be shown in schools or available for families to show to children, etc. Bob also suggested developing a circle of support that you could rely on for help in emergencies—any time of the day—especially for people with special needs who may need extra assistance in evacuating. Bob would like anyone to contact him with any suggestions that could be added to his presentation. The DE Citizen Corps' new website is delawarecitizencorp.org and Marny's direct phone line is (302) 659-2243.

DDDS Group Home

A letter was provided on SCPDs position based on the presentation from the DDDS Director at the April 16, 2007 full Council meeting. Essentially, SCPD endorsed the expansion of options for DDDS clients with sexually inappropriate behavior with the caveat that our strong preference is the pilot be implemented in a non-institutional setting with ample opportunity for modeling appropriate peers. Tony also provided materials on this issue. Kyle said that there has been a lot of discussion and a lot of media coverage in the paper on the DDDS group home so it was decided to put this on the agenda again for discussion and any other path forward.

Tony emphasized that we are talking about individuals who are developmentally disabled. After reading a May 11 article, Tim Brooks and Tony visited the proposed site at the Governor Bacon Center. After their visit, Tony and Tim felt that this was a correct site for these five men who will occupy the house. The house showed no signs of leakage. Some of the surrounding houses are vacant; and some are used by individuals with substance abuse. The house is not close to any residences, schools, shopping centers or any populated areas. The SCPD wrote a letter supporting the home to DDDS Director

Marianne Smith; but not in an institutionalized setting. Tony spoke to legislators about all the merits of this home; all were in favor—except one. Tony emphasized that these individuals are not sex offenders. Tony has included in his materials a Sex Offender Central Registry (by zip code) which is available to the public via the internet. Tony made a motion for the SCPD to support the current Governor Bacon setting.

Pat Maichle stated when DDDS presented this to the JFC last year this was to be a group home in a community setting. Kyle asked if DDDS has any other options for placement of this group home. Joe Keyes stated that this location was settled on and DDDS does understand the reservation that this may or may not be the ideal location. Renovations on this building were started in early May. Joe added that the DDDS is not the only division to have individuals with sexually offensive behavior; but DDDS is the first division to take a step in appropriately treating these individuals. Joe added that if this group home is blocked, he does not know how long it will take before they get another opportunity. If DDDS gets the opportunity to show that this program is successful and works, that it maintains public safety and that the individuals have a good life, then we could continue with other individuals since there are more than these five individuals who could benefit from a program. Rita L added that the majority of these individuals have been victimized; and the sooner you work with these individuals after being victimized, the better for the individual in recognizing the impact. Joe added that these individuals would have a total treatment packet within the therapeutic community. Pat added that each time the legislators hear a presentation of the program, they are hearing different choices from the original presentation to the JFC. Joe added that they are looking at two individuals that are in DPC now; and one has been arrested, but has been determined unable to stand trial. Rita Marocco reiterated her opposition to the group home located at the Governor Bacon Center.

The motion on the floor was made, seconded and approved for Kyle to write a letter for the SCPD endorsing this program at its current proposed location at the Governor Bacon Center. The vote was 9 in favor, 3 opposed and 2 abstentions. Motion approved.

Governor's Commission Update

Rita L. provided information on the draft Governor's Commission on Community Based Alternatives 5-year plan. In May to early June, this report is going out for public comment to get feedback on the direction of the Commission. Two public hearings have been completed and they are visiting with any agency that has asked us to attend. The biggest issue that they are hearing is regarding the Family Support Waiver and that the Governor Commission does not have this as a top priority. Rita said that it is a priority within the healthcare goal and the Governor's Commission believes that family support is a very important initiative for people that are served through DDDS. One way is getting that through the waiver. If you want to communicate with Rita, her e-mail address is on page four of the hand-out: ritalas94@aol.com. The final plan will be presented in July at the press conference that the Governor will host. The Commission will continue to work within the Committees to monitor the final plan. Also, they will be looking at the realities that are presented to the Commission; and they will want to be proactive with

regards to those realities. For instance, AstraZenaca is coming out with a plan to deal with the 105,000 uninsured Delawareans. That was not something the Commission promoted, but it was something that came down the road and we want to weigh in on that as one of the Commission's goals.

It was noted that Delaware is still unsure if it will receive the Money Follows the Person Grant and, if not, it would be a true disaster. This grant promotes the spirit of the Olmstead ruling.

Committee Reports

Due to time constraints, the committee reports were deferred until the next meeting.

ADJOURNMENT

The meeting was adjourned at 4:15 PM.

Respectfully submitted,

Kyle Hodges
SCPD Administrator

SCPD/minmay07